

Coram Nohis

F. EDITH MURRAY

Edith Murray was called by the prosecution in rebuttal near the very end of its case. She was the only person (aside from Chambers and his wife) who could testify having seen Hiss and Chambers together, and thus filled an important gap in Chambers' testimony that his relationship with Hiss was a close political and social one, lasting about four years. Essentially, Murray's testimony was identification testimony. The manner in which it was prepared, which destroyed its credibility completely, was concealed by the prosecution, which permitted Murray to lie about her interviews with the FBI.

In the first trial (as in the second) Chambers testified to a close and continuing relationship with Mr. and Mrs. Hiss extending over the four year period from 1934 to the spring of 1938. The contacts between the two families was asserted to have been extensive and social, including visits to each others' homes, frequent trips to the movies, several automobile trips out of Washington, etc. Hiss denied most of the alleged associations between the two families, stating that for a period of a year and a half (from December, 1934 or January, 1935 until the spring of 1936) he had a casual relationship with Chambers, almost all of which consisted of episodes in which Chambers was asking favors - a loan of a

few dollars, shelter for a few nights, and the like. Before the first trial, one of the tasks the prosecution set for itself was to find someone who had seen Hiss and Chambers together (S.1816). This effort failed.

In preparation for the second trial, the government redoubled its efforts to find someone who could provide such testimony (CN Ex. ) and came up with Edith Murray. Her testimony was presented in rebuttal, she being almost the last witness called. The evidence she gave was regarded as a bombshell by both prosecution and defense and Murphy referred to her testimony several times in his closing (R.3231, 3247, 3250). <sup>1/</sup> She was, in Murphy's opinion, the essence of simplicity and truthfulness. "There was no prompting," he said. "Everything was done to avoid any criticism of prompting" (R. 3247).

---

1/ An FBI memo (1/31/52) from Ladd to Hoover, analyzing the motion for a new trial comments:

"There is no question that Edith Murray was a very important Government witness" (S.4833,p.20).

After the trial, the FBI supplied information to for a magazine article published in , and entitled (CN Ex. ).

She testified on direct that she had been employed by the Cantwells at their apartment on Eutaw Place from the fall of 1935 to the spring of 1936 and that during that time they had only two visitors. One of them was a lady who visited three or four times and who said she lived in Washington. She called the lady "Miss Priscilla" (R.324-327). Miss Priscilla visited the Cantwells about four times; one night "she came there. . . . with her husband." The following testimony ensued:

Q. Would you be able to identify her husband" A. Yes, I couldn't help but remember him.

Q. You couldn't help? A. No.

Q. Would you stand up and point him out. A. There is Mr. Hiss right there (indicating).

Q. And he is next to Mrs. Hiss?  
A. Yes." (R.3026)

She further testified that the FBI came to her house in November, 1949 (shortly before the beginning of the second trial) and took her out to the Cantwell's farm where she met the people she had previously worked for. On cross-examination she was questioned as follows:

"Q. When the FBI took you out to the farm where Mr. and Mrs. Chambers lived, had they already shown you a picture of Mrs. Hiss? A. Yes, they showed me a picture of her.

Q. Did they tell you who it was?  
A. No. They asked me did I know this lady and I said that it looks like someone that I know. It looked like - I thought maybe it was an actress or something. I say it looks like someone I know, but I just couldn't remember at that time.

\* \* \*

Q. Now when you were asked to point out Mr. Hiss I thought you said of course you recognized him.  
A. Yes . . . I recognized him because I was up here on the 17th of November, and I identified him, and after I saw them I knew him right away, that it was them.

Q. Well now, you say you came up here on the 17th of November. Did the FBI bring you up? A. No, they sent me up.

\* \* \*

Q. Did someone come with you?  
A. Well, they take me to the station and then someone met me at the station here.

Q. And they brought you over to the court building? A. Yes, sir.

- Q. Where did they take you after they brought you to the court building? A. Well, I just stood out in the hall, and it was a crowd of people. They asked me did I see anybody in the crowd that I know, and I looked around, and I didn't see anyone at this time, and stood there and stood there; so, then, after a while, in the back of me where I was standing was an elevator, in the back of me, like, and I looked around, and then I see Mr. and Mrs. Hiss come over, and right away I knew them.
- Q. You had been shown a picture of Mr. Hiss by the FBI, hadn't you? A. Yes.
- Q. And you were told when you came up here that you--A. To see if I could recognize them. They didn't tell me who they were at all." (R.3033)

She further testified on cross that an FBI agent came to her house on a Sunday night in early November and stayed "about maybe 10 or 15 minutes" (R.3035). The next day he returned with two other FBI agents and took her out to the Chambers' farm (R.3036). On a later occasion the agents asked her if she could identify the man and woman who visited the Cantwells:

"Q. Now you say that they never mentioned at any time the name 'Hiss'?

A. They never, never - I don't know who they were until I come up here.

Q. No, I say did they ever mention the name Hiss to you? A. No, not until afterwards. I mean after I come up here and found out what it was all about.

Q. And then they told you it was Hiss?

A. Yes, it was the Hiss trial."  
(R.306-3037)

And at R.3053:

"Q. As you told us, he showed you Mr. Hiss' picture? A. Oh yes, he showed me his picture.

\* \* \*

Q. What did you say when he showed you Mr. Hiss's picture? A. He asked did I recognize this man.

Q. What did you say? A. I told him I did not know.

Q. Is that all that was said about Mr. Hiss's picture? A. Yes.

Q. And you told his Honor and the jury all that was said about the picture of Mr. Hiss? A. Yes, sir."

The FOIA documents recently released present quite a different picture. She was first interviewed at her home by the FBI on September 25, 1949, not November. She visited

the Chambers/Cantwell farm on September 26th, and was interviewed again on September 27th and 28th. In this series of interviews, she was shown photographs of petitioner and his wife, and was told that they were Alger and Priscilla Hiss. Her statement signed September 28th reads in part:

"I also slightly recall 'this Lady from Washington being associated in some way, possibly as husband and wife, with a rather tall, slender man, about 30 years of age, who was also very polite and nice. I do not recall definitely that this man ever visited the Cantwells, but it seems to me that they came to visit the Cantwells together one evening just before I left for the night. The agents have shown me a photograph of a person they have told me is Alger Hiss and the photograph looks something like the slender man who accompanied the Lady from Washington on the above-mentioned visit to the Cantwells.

"The agents have shown me a photograph and have told me that it is a photograph of Priscilla Hiss. The name is not familiar and I do not recall Mrs. Cantwell ever introducing me to a lady by that name, but I think the photograph might be a picture of the Lady from Washington who visited the Cantwells at 1617 Eutaw Place as it looks very much like her."

At that point the FBI was concerned lest there might be a failure of identification despite the careful preparation of the witness. In a memorandum to Mr. Hoover from the New York office dated October 17, 1949, the following appears:

"In connection with the utilization of EDITH MURRAY, the former maid of CHAMBERS, as a witness at the retrial of this case, consideration has been given to affording her an opportunity to see PRISCILLA HISS prior to the retrial of this case. This is believed most important in order that she may make a positive identification of PRISCILLA HISS and thereby preclude any embarrassment on the part of the Government in the event she would fail to identify PRISCILLA HISS when she, EDITH, was on the witness stand. An effort will be made to place PRISCILLA HISS, and if possible ALGER HISS, with some other people or otherwise effect the identification in such a way as to cause no embarrassment to the Bureau in the event EDITH on cross examination is asked whether Bureau agents assisted her in making this identification and the manner in which this was accomplished.

Unless the Bureau advises to the contrary, this office, within the next week, will conduct a most discreet spot check of PRISCILLA HISS in an effort to determine what would be the most opportune time for the maid, EDITH, to observe PRISCILLA HISS in New York City."

The New York office arranged to give Mrs. Murray an opportunity to see both Priscilla and Alger Hiss but the "opportune time" they chose to arrange this observation was at room 1404 of the federal courthouse on November 17th at 9:30 a.m. which was the date and place at which the second trial started. As Mrs. Murray pointed out in her examination, "it was a crowd of people" (R.3032). She looked around and couldn't find anybody in the crowd that she knew. Then she saw Mr. and Mrs. Hiss come over "and right away I knew them." It is difficult to conceive of a less reliable method of securing an identification.

Murray was an important witness, called to give important identification testimony. Her direct testimony was clear and precise:

"Q. Would you be able to identify  
[Priscilla's] husband?

A. Yes, I couldn't help but  
remember him."

In fact, she originally told the FBI, even after seeing Hiss' picture and being told his name, that he looked "something like the slender man who accompanied the Lady from Washington." Far from being the simple and truthful witness

Murphy described in the closing, she lied when she said, on the stand, that the FBI agents did not tell her Hiss' name when they visited her and that she didn't know who Hiss was until she saw him in the midst of a crowd at the opening of the second trial.

And Murphy knew she lied.